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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 NAOMI CASTILLO-RAMIREZ, No. C-09-5938 EMC
9 Plaintiff,
10 v.
11 COUNTY OF SONOMA, and DOES 1 to
12 100, INCLUSIVE, **ORDER DENYING
MOTION FOR APP
COUNSEL**
(Docket No. 61)
Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL**

15 Plaintiff Naomi Castillo-Ramirez, though her guardian ad litem or next friend Maricela
16 Ramirez, has moved for appointment of counsel.

17 Where a litigant is proceeding in forma pauperis, as here, “[t]he court may request an
18 attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1).

19 The decision to appoint such counsel is within “the sound discretion of
20 the trial court and is granted only in exceptional circumstances.” A
21 finding of the exceptional circumstances of the plaintiff seeking
22 assistance requires at least an evaluation of the likelihood of the
plaintiff’s success on the merits and an evaluation of the plaintiff’s
ability to articulate his claims “in light of the complexity of the legal
issues involved.”

23 *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004).

24 Taking into consideration the above factors, the Court **DENIES** the request for appointment
25 of counsel. Plaintiff has failed to make an adequate evaluation of the likelihood that she will
26 succeed on the merits of the case. The investigative report of the Sheriff's Department and Autopsy
27 and Toxicology Reports do not appear to support the allegations of the complaint. Plaintiff has

1 offered at this point only speculation and conjecture. Moreover, although this case may potentially
2 involve some complex medical issues, it is not clear how complex the legal issues will be.

3 The Court reminds Plaintiff that she has until October 13, 2010, to retain counsel and have
4 counsel make an appearance. If no lawyer makes an appearance in this case on Plaintiff's behalf by
5 that date, then the Court may dismiss the case in its entirety.

6 The Court has previously referred the Plaintiff to the Legal Help Center and the Court's
7 manual for litigants without a lawyer, which is available on the Court's website,
8 www.cand.uscourts.gov.

9 This order disposes of Docket No. 61.

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IT IS SO ORDERED.

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Dated: September 7, 2010

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EDWARD M. CHEN
United States Magistrate Judge

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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7
8 NAOMI CASTILLO-RAMIREZ, No. C-09-5938 EMC
9 Plaintiff,

10 v.

11 COUNTY OF SONOMA, and DOES 1 to
12 100, INCLUSIVE,
13 Defendants.

CERTIFICATE OF SERVICE

14
15 I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern
16 District of California. On the below date, I served a true and correct copy of the attached, by placing
17 said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing
18 said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery
19 receptacle located in the Office of the Clerk.

20 Naomi Castillo-Ramirez
21 2113 W. Steele Lane
22 Santa Rosa, CA 95403
23 707-568-0348
24 PRO SE

Maricela Ramirez
2113 W. Steele Lane
Santa Rosa, CA 95403
PRO SE

25
26 Dated: September 7, 2010

RICHARD W. WIEKING, CLERK

27
28

By: /s/ Leni Doyle
Leni Doyle
Deputy Clerk